

## Remarks

## Claim Rejections Under 35 USC 112(2)

To overcome the Office Action objection with respect to claim 15, we delete "contents of the" in claim 15. Accordingly, the code is directed to identify the writing pad, not the contents of the writing pad, as it is shown in the description.

## Claim Rejection - 35 USC 102(e)

Claims 1-11, 14 and 16-25 stand rejected as being unpatentable over US 6,130,666 to Persidsky.

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Persidsky does not show each feature of the rejected claims.

Persidsky does not show the recording of an absolute position of the pen in relation to the writing pad. Especially in column 5, line 51 to 54 Persidsky offers no hint concerning a certain position relative to the writing pad. Instead, Persidsky describes a pen with an accelerometer used as a movement sensor.

It may be possible to determine a relative position of the pen from the measured data, for example to detect a blank space, although it can not be detected by the roller ball according to Persidsky. Maybe it is also possible to display a relative position of the pen on the monitor. But, Persidsky does not show the measuring of the position of the pen relative to the writing pad. According to Persidsky the position of the pen has to be

evaluated from data, e.g. time and acceleration, which is inexact. Also, costly means for calculating the position must be added.

In contrast, according to the present invention the position is measured directly and thus very exactly.

Accordingly, claim 1 is novel and not anticipated by Persidsky.

Claim Rejection 35 USC 103(a)

Claims 12, 13 and 15 stand rejected as being unpatentable over Persidsky in view of US 5,294,792 (Lewis et al).

Due to these different kinds of pen computers according to Persidsky and the present invention, the combination of Persidsky and Lewis would not lead to the further features according to the invention.

Wherefore, further consideration and allowance of the claims is respectfully requested.

A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$55. Please charge any additional fees or credit any overpayments to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

Respectfully submitted,

*M. Robert Kestenbaum*

M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, VA 22313-1450 by facsimile transmission on April 21, 2004, fax number (703) 872 9314.

*M. Robert Kestenbaum*

M. Robert Kestenbaum